

## REMARKS

### Claim amendments

In response to the final office action of August 1, 2006, Applicant requests entry of the foregoing amendments to claims 21 and 22 to correct claim dependency. The proposed amendments will place the claims in better condition for appeal.

### Section 102 rejection

Applicant suspects that the Examiner may have misunderstood the remarks concerning claim 1 and requests reconsideration of the claim in view of the following more detailed explanation:

The first paragraph of claim 1, with annotations to show the corresponding elements of the disclosure, appears as follows:

providing a data structure (32) having an entry (42) corresponding to said data storage unit (**cylinder**), said entry including status information indicating whether at least one constituent data storage element (**track**) of said data storage unit is in said first state (**invalid**);

As best understood, the Examiner regards the correspondence between claim 1 and *Candelaria* to be as follows:

CLAIM 1	<i>Candelaria</i>
"data structure"	TIB
"data storage unit"	Track
"entry"	Record address in TIB
"data storage element"	Record

Thus, an attempt to read claim 1, paragraph 1 on *Candelaria* would read as follows:

providing a ~~data structure~~ TIB having an ~~entry~~ a record address corresponding to said ~~data storage unit~~ track, said ~~entry~~ record address including status information indicating whether at least one constituent ~~data storage element~~ record of said ~~data storage unit~~ track is in said first state

Within paragraph 1, Applicant draws particular attention to:

~~an entry~~ a record address corresponding to said ~~data storage unit~~ track

A **record** address corresponds to a **record**. A record address does *not* correspond to a track.

A **track** address would correspond to a track. But *Candelaria* does *not* teach a **track** address. It teaches a **record** address. A **track** address and a **record** address are not the same thing.

Therefore, the claim does not read on *Candelaria* because the claim requires

an entry (record address) corresponding to said data storage **unit** (track)

This is different from requiring

an entry (record address) corresponding to said data storage **element** (record).

#### Summary

No additional fees are believed to be due in connection with the filing of this response. However, to the extent fees are due, or if a refund is forthcoming, please adjust our deposit account 06-1050.

Respectfully submitted,

Date: August 14, 2006



Faustino A. Lichauro  
Reg. No. 41,942

Fish & Richardson P.C.  
225 Franklin Street  
Boston, MA 02110  
Telephone: (617) 542-5070  
Facsimile: (617) 542-8906  
21399998.doc